

### **REMARKS**

Claims 1-10 and 14-33 are pending.

Claims 24 and 27-30 are withdrawn.

Claims 1-10, 15-18, 20-22 and 31-33 are allowed.

Claims 23, 25 and 26 are rejected.

### **Reinstated Withdrawn species claims**

Claims 1-10, 15-18, 20-22 and 31-33 are allowed. Withdrawn species claim 14 is now amended to depend from allowed claim 1. Claim 19 depends from allowed independent base claim 17 and thus is reinstated. Withdrawn claims 27-28 and 30 are canceled without prejudice. Claim 29 is amended to depend from claim 19.

### **Improperly Check Final Rejection Box**

The Applicants assume that the box of the finality of the office action check was improper or mistaken as the office action lacks the proper statement regarding a final action. The Applicants respectfully requests removal of the improper finality of the office action mailed January 11, 2007 if it was checked off. The Applicants properly filed and RCE concurrently with amendments to the claims on November 2, 2006 in response to the final office action mailed July 3, 2006. The claim amendments were entered and newly amended claim 23 was rejected for the first time in view of USPN 4,406,440 to Kulle et al. The finality of the January 11, 2007 is premature in view of the first rejection of an amended claim after an RCE that has not been acknowledged.

Applicants respectfully request that the finality of the office action be withdrawn and the amendment of the claims be entered to respond to the new rejection.

**35 U.S.C. § 102(b):**

The Examiner rejects claims 23, 25 and 26 under 35 U.S.C. § 102(b) as allegedly being anticipated by USPN 4,406,440 to Kulle et al. Claim 23 has been amended to more particularly point out what the Applicants consider to be their invention. Claim 23 has been amended to include the elements of a precision dispersion of within +/- 2%. The Kulle '440 patent both has no ability to precision meter a dispersion within the claimed accuracy of within +/- 2%, nor would dispersion with that accuracy be considered either inherent or obvious with the applicant's claimed device. Additionally, the Kulle '440 patent fails to disclose a carriage housing a roller moved by a ball screw shaft as in new claim 33. The '440 patent fails to form a prime facie case of anticipation of amended claims 23 and 25-26 because each and every element of the claims are not taught regarding the precision of the material being delivered. Applicants respectfully request reconsideration and removal of the anticipation rejection of claims 23 and 25-26.

### **CONCLUSION**

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 19-0513 for any and all fees required to continue appropriate Examination of the application.

Date: 3/12/07

/Jeffrey D. Washville/

Jeffrey D. Washville  
Registration No. 46,366  
Customer # 5409  
Schmeiser, Olsen & Watts  
22 Century Hill Drive, Suite 302  
Latham, New York 12110  
(518)220-1850